

St. Louis City Ordinance 63591

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 199

INTRODUCED BY ALDERMAN MARTIE J. ABOUSSIE

An ordinance pertaining to the Firemen's Retirement System; amending Ordinance 63286, approved August 4, 1994 by repealing Section Two of said Ordinance pertaining to compulsory retirement and Section Three of said Ordinance pertaining to service retirement allowance, and enacting in lieu thereof two new sections pertaining to the same subject matter to conform to the provisions of Senate Bill No. 404; further amending Ordinance 62994, approved November 9, 1993 by repealing Section Three of said Ordinance pertaining to the development and establishment of a deferred retirement plan program (DROP), and enacting in lieu thereof a new section pertaining to the same subject matter to conform to the provisions of Senate Bill No. 404; further creating a new section pertaining to the same subject matter to certain retirants from the future benefits fund codified in Sections 4.18.350 through 4.18.380, pursuant to provisions of Senate Bill No. 404; further enacting a new section pertaining to the same subject matter allowing for the increase in firemen retirement benefits to be paid from the future benefit fund; and further repealing Ordinance Number 61414 and enacting a new Ordinance, pertaining to the same subject matter, to be codified as 4.18.386 Code of the City of St. Louis, authorizing credit to be given for accrued but unused sick leave except under service connected disability, for parties covered under the retirement provision of Sections 4.18.010 to 4.18.385 Code of the City of St. Louis, requiring the employing entity to certify said sick leave, setting forth the criteria to be used in determining the rate of said sick leave to be calculated, providing that accrued sick leave may be used to exceed a seventy five percent service retirement allowance by adding accumulated sick leave to no more than thirty years of creditable service and containing a severability clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section Two and Section Three of Ordinance 63286, approved August 4, 1994; Section Three of Ordinance 62994, approved November 9, 1993; and Ordinance 61414, approved July 3, 1989, are hereby repealed.

SECTION TWO. There is hereby enacted a new section to be codified as Section 4.18.120 of the Revised Code of the City of St. Louis which shall read as follows: 4.18.120 Retirement - written application after twenty-five years; compulsory retirement - seventy-five percent requirement

(A) Any member may retire upon the member's written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing therefor, the member desires to be retired, if the member at the time so specified for such member's retirement has twenty-five years or more of service; except that a member who ceases to be a fireman after twenty years or more of service may retire prior to the twenty-five years of service with a retirement allowance based on such member's years of service.

(B) Any member in service upon attaining the age of sixty, if qualifying for a service retirement allowance equal to seventy-five percent of the average final compensation, may be retired forthwith; except that with respect to any member, the board shall not retire such member when the member attains sixty years of age or more merely because the member has attained that age unless the member so requests or the member has completed thirty or more years of service, even if a portion of such service is not creditable service pursuant to participation in the deferred retirement option plan prescribed by Ordinance 62994.

(C) Any member who qualifies for a service retirement allowance of seventy-five percent or over and has not attained sixty years of age may be retained as a member until sixty years of age, with no increase in retirement allowance.

SECTION THREE. There is hereby enacted a new section to be codified as Section 4.18.130 of the Revised Code of the City of St. Louis which shall read as follows: 4.18.130 Service retirement allowance

(A) Upon retirement for service, a member shall receive a service retirement allowance which shall be equal to fifty percent of the average final compensation, plus an amount equal to five percent of the average final compensation for each additional year of service after twenty-five years, but no service retirement allowance shall exceed an amount equal to seventy-five percent of the average final compensation.

(B) In addition to any other annuity or retirement allowance payable under this section and sections 87.195 and 87.205 R.S.Mo., any member upon retirement application approval shall be repaid the total amount of the member's

contribution to the retirement system, without interest. Any beneficiary, upon the receipt of evidence and proof of the death of an active member, shall be repaid the total amount of the member's contribution to the firemen's retirement system, without interest. The board shall pay the beneficiary such total amount of the member's contribution to the retirement system within sixty days after the date of the death of the member.

(C) Any annuity or retirement allowance repaid to a member under subsection (B) of this section shall be withdrawn from the member's contribution fund of the firemen's retirement system and no moneys shall be withdrawn from the general revenue fund of the city.

SECTION FOUR. There is hereby enacted a new section to be codified as Section 4.18.131 of the Revised Code of the City of St. Louis which shall read as follows:

4.18.131: A) The board may develop and establish a deferred retirement plan program (DROP) in which members eligible for retirement may participate. The DROP program shall be designed to allow members with at least twenty years of creditable service who have achieved eligibility for retirement and receipt of a service retirement allowance to continue active employment and defer receipt of the retirement allowance for a period not to exceed five years. Any member who has at least twenty years of creditable service may elect in writing before retirement to participate in the DROP program. A member electing to participate in the DROP program shall continue in active employment and shall not receive any direct retirement allowance payments during the time of participation. Upon the start of participation in the DROP program, the member shall make the contributions as provided in section 87.295. No contribution shall be required by the city. During the period of participation in the DROP program, the amount that the member would have received as a service retirement allowance shall be deposited monthly in the member's DROP account which shall be established in his or her name by the board. Service earned during the period of participation in the DROP program shall not be creditable service and shall not be counted in determination of any service retirement allowance.

B.) If a member who has elected to participate in the DROP program chooses to stop participation in the DROP program, he or she shall notify the board in writing. Upon receipt of notice of a member's desire to end participation in the DROP program, the board shall return the member to non-DROP participation status and both the member and the city shall make the contributions required by sections 87.120 to 87.370. Service rendered after restoration of the member

to non-DROP participation status shall be counted as creditable service. No member ending participation in the DROP program and returning to non-DROP participation status shall make any withdrawal from his or her DROP account until after termination of employment. If after return to non-DROP participation status, a member retires, the member's retirement allowance shall be computed on the combination of the member's pre-DROP service retirement allowance plus an additional allowance earned by a member after returning to non-DROP participation status. Post-DROP participation years of service will be the only years used in computing the additional allowance, however total years of creditable service will be used to determine the appropriate level of additional allowance, two percent or five percent, for each year of post-DROP participation service. Upon retirement the member shall receive additional benefits as provided under the provisions of sections 87.120 to 87.371 plus the amount which has accumulated in his or her DROP account. The amount in the member's DROP account shall be payable, at the member's option, either as a lump sum payment or as a periodic payment calculated according to a deferred payment plan established by the board.

C.) A member who terminates employment after participation in the DROP program may withdraw any amount in his or her DROP account in a lump sum or according to a deferred payment plan established by the board at his option. If the member is eligible to receive a service retirement allowance, benefit payment shall begin at the time specified in sections 87.120 to 87.370.

D.) If a member dies prior to termination of employment while participating in the DROP program, the funds in his or her DROP account shall be payable to the member's designated beneficiary under either of the following options.

i.) A lump sum payment equal to the amount in the member's DROP account shall be paid to the beneficiary or the member's estate. The benefits for a beneficiary provided under the provisions of sections 87.120 to 87.370 shall be based on the member's compensation and creditable service prior to the member's election to participate in the DROP program; or

ii.) The beneficiary shall waive any right, claim or interest in the member's DROP account and any benefits payable to the beneficiary under the provisions of sections 87.120 to 87.370 shall be calculated as if the member had continued as an employee and had not elected to participate in the DROP program. Any funds in a DROP account which has been waived as provided in this subdivision shall become funds of the system.

E.) If a member who has elected to participate in the DROP program subsequently applies for and receives benefits for an accidental disability retirement allowance under the provisions of section 87.205, the member shall forfeit all rights, claims or interest in his or her DROP account and the member's benefits shall be calculated as if the member had continued in employment and had not elected to participate in the DROP program. Any funds in a DROP account which has been forfeited as provided in this subsection shall become funds of the system.

F.) A member's DROP account shall earn interest equal to the percentage rate of return of the system's investment portfolio as certified annually by the system's actuary in the yearly evaluation report. The interest shall be credited annually to the member's account beginning with the start of the second fiscal year of participation.

G.) No member may elect to participate in the DROP program more than once.

SECTION FIVE. A new section to be codified as 4.18.132 is hereby enacted which shall read as follows:

4.18.132 - 1. The funding for increases in benefit provisions of sections 87.170, 87.175, 87.182 and 87.371 RSMo shall be funded from the future benefits fund.

SECTION SIX. A new section to be codified as 4.18.351 is hereby enacted which shall read as follows:

4.18.351 - 1. Any person who served as a fireman who is retired and not receiving a cost-of-living benefit and any widow or dependent child receiving retirement benefits, but not receiving a cost-of-living benefit shall be made, constituted, and appointed as a special consultant on the problems of retirement, aging, and other state matters, and be available to give opinion in writing or orally, in response to such requests as may be required and for such services shall be compensated annually in accordance with the provisions of subsection 2 of this section.

2. Effective September 1, 1996, and annually thereafter, one-half of the annual interest earned in the future benefits fund created under section 87.287, RSMo, shall be appropriated to provide an ad hoc COLA administered by the board of trustees and from September 1, 2016, and annually thereafter three-fourths of the annual interest earned in the future benefits fund created under section 87.287, RSMo, shall be appropriated to provide an ad hoc COLA administered by the board of trustees based upon the following formula:

(1) The distributable amount shall be divided by the number of retirees and surviving spouses and dependent children eligible to receive the ad hoc COLA under this provision calculated and distributed based upon the following years of service:

(a) Members retiring with thirty or more years of service shall receive a full share of the distributable amount;

(b) Members retiring with twenty-five or more years of service but less than thirty years shall receive a three-quarter share of the distributable amount;

(c) Members retiring with less than twenty-five years shall receive a one-half share of the distributable amount;

(d) Surviving spouses and dependent children shall receive one-half of the ad hoc COLA the member would have been entitled to receive.

Section Seven: There is hereby enacted a new Ordinance to be codified as 4.18.386 Code of the City of St. Louis, to read as follows:

4.18.386 - 1. Any member retiring under the provisions of sections 87.120 to 87.370 R.S.Mo., after working continuously for an entity covered by sections 87.120 to 87.370 R. S. Mo., until reaching retirement age, but not including retirement for service connected disability, shall be credited with all the member's unused sick leave as certified by the member's employing entity.

2. No member working on or after August 28, 1989, shall be credited with sick leave at a rate less or more than the rate being earned on August 28, 1989, nor shall any cap or limit applied to accumulated sick leave after August 28, 1989, be construed as a limit on the number of sick days actually earned without reference to the cap or limit which may be credited pursuant to the provisions of this section. When calculating years of service, each member shall be entitled to one day of creditable service for each day of unused accumulated sick leave earned by the member.

3. Accumulated sick leave shall allow a member to vest in the retirement system by using such credited sick leave to reach the time of vesting and shall also allow a member to exceed a seventy-five percent service retirement allowance by adding accumulated sick leave to no more than thirty years of creditable service.

SECTION Eight. SEVERABILITY CLAUSE. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a

court of competent jurisdiction to be unconstitutional, the remaining sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void ones, or unless the Court finds that the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION Nine. EMERGENCY CLAUSE. This being an ordinance for the immediate preservation of public peace, health and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
09/29/95	09/29/95	PS	11/02/95	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
11/03/95			11/09/95	11/09/95
ORDINANCE	VETOED		VETO OVR	
63591				